

APPENDIX VII

Serial No.: 09/955,064

Docket No.: 49933US032

Advisory Action mailed from the U.S. Patent and Trademark Office on October 4, 2002.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,604	09/19/2001	Timothy L. Hoopman	4993JUS032	1214

7590 10/04/2002

Office of Intellectual Property Counsel
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EXAMINER

LEYSON, JOSEPH S

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 10/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/955,604	HOOPMAN ET AL.
	Examiner Joseph Leyson	Art Unit 1722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 23 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): all the rejections to canceled claims 133, 137 and 144.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 23,24,30-32,89,90,92,93,134-136,138-143 and 145-148.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. Other: _____.

Attachment

1. The request for reconsideration has been considered but does not place this application in condition for allowance because the arguments filed on 23 September 2002 are not persuasive.

Applicant argues that each cavity having a single opening as disclosed the instant claims is not disclosed by the prior art and that Rochlis (-583) discloses a mold with a laminate construction with multiple openings including openings between layers of the laminate mold which are vent openings to allow air or gas to escape. The examiner agrees that Rochlis (-583) discloses a mold with a laminate construction with multiple openings. However, applicants do NOT preclude these openings in the instant claims. Note that the instant claims recite each mold cavity having a single opening. Clearly, each mold cavity in Rochlis(-583) is defined by a single opening. If the mold cavity had multiple openings, then multiple products produced by the multiple openings would be shown in the product. As clearly shown in Rochlis(-583) a single product is produced from each cavity. Therefore, applicant is arguing that the instant claims preclude other openings made by the laminate construction, but the instant claims do not require such limitations.

Applicant argues that Rochlis(-583) does not contain an enabling disclosure of how to make a mold or production tool

with only a single opening and actually teaches away from the claimed invention. Again, a mold having a single opening is NOT claimed. The instant claims recite each mold cavity having a single opening, as mentioned above.

Applicant argues that Rochlis(-583) emphasizes the importance of the openings between the mating surfaces of the laminations to allow for air or gas to be evolved in the molding or hardening procedure (col. 13, lines 70-73). However, Rochlis(-583) does not disclose that such openings between the mating surfaces to allow for air or gas to be evolved are CRITICAL for the operation of the apparatus.

2. The amendment filed on 23 September 2002 only cancels claims, and therefore the rejection of the remaining pending claims has NOT changed.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (703) 308-2647. The examiner can normally be reached on M-F(8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Silbaugh can be reached on (703) 308-3829. The fax phone numbers for the organization where this application or proceeding is assigned

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are (703) 872-9310 for regular communications and (703) 872-9311
for After Final communications.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
receptionist whose telephone number is (703) 308-0661.

jl

October 2, 2002

JAN H. SUDUCH
JAN H. SUDUCH
SUPERVISORY PATENT EXAMINER
ART UNIT 1722

10/03/02